

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 14, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, July 14, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

RECYCLING ANNOUNCEMENT:

Mayor Warmington explained that beginning August 1, 2009, the recycling program will be discontinued for all residents unless they pay \$42 per year or else they can drop off their recyclables at 1970 Port City Blvd. between the hours of 7:00 a.m. and 3:45 p.m. As of today we have approximately 400 families that have signed up for recycling. We need 500 families to sign up for this service at \$42 per year in order to continue uninterrupted. The phone number to call is (231)773-8551 or (231)773-8407.

2009-60 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 23, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Vacant Building Registration Ordinance Amendments. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10,

Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of exempting legal storage uses, located in the proper zoning district, from the definition of a vacant structure.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107 Annual Registration of Vacant Buildings and Registration Fees, specifically to amend the definition of Vacant found in sub-section (b)(1)(f).

E. Fireworks Display Permit for Muskegon Bike Time. CITY CLERK

SUMMARY OF REQUEST: West Michigan Burnerz is requesting approval of a fireworks display permit for July 17th and 18th during the Muskegon Bike Time. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

F. Ammunition Purchase. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval of the purchase of ammunition for the 2010 calendar year. The request includes both practice and duty ammunition.

Generally, the bid is sought in early 2010; however, we have been advised that there is a shortage of ammunition. Therefore, we are requesting that we be allowed to begin the purchase process at this time.

Only one vendor replied to our bid request: CMP Distributors, 6539 Westland Way, Lansing, MI. Based upon the bids that were received, I am recommending CMP Distributors be awarded the bid.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: Available in 2009 budget.

STAFF RECOMMENDATION: Approval of this request.

G. 2009 Water Treatment Chemical Bids. WATER FILTRATION

SUMMARY OF REQUEST: Recommend endorsement of contract extension for the previous lowest responsible bidders to supply aluminum sulfate and fluoride for the Water Filtration Plant as allowed by contract.

FINANCIAL IMPACT: Annual cost of \$143,462 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED: None at this time. These chemicals are budgeted

annually.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission endorse the bid extensions received and allow staff to enter into contract with US Aluminate Co. (USALCO) for aluminum sulfate and Lucier Chemical Industries Ltd. for fluoride.

H. Budgeted Vehicle Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one 2009 Ford F-250 4x4.

FINANCIAL IMPACT: \$17,773.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase from Vanderhyde Ford.

J. Request to Hold a Leisure Services Yard Sale. LEISURE SERVICES

SUMMARY OF REQUEST: The Leisure Services Department would like to hold a yard sale using donated clothing items, softball equipment and leftover uniforms from previous programs. Donated items from City of Muskegon employees will also be sought. It is planned to hold the yard sale on July 31, 2009, at the former Central Fire Station along Walton Street. The purpose is to raise revenue for the Summer Adventure Program to provide additional programming and offer field trips lost due to budget cuts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

K. Budgeted Equipment Setup. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase three dump bodies, one utility box, and one service body with crane from Hoekstra Equipment and three plows from Muskegon Brake.

FINANCIAL IMPACT: \$53,460.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the purchases.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read minus items C, D, and I.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

2009-61 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Contract for Demolition of 1387 7th Street. COMMUNITY &
NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to execute a contract with Press's LLC, 8081 Holton Duck Lake Road, Holton, MI for the demolition of the structure located at 1387 7th Street. This activity is under the Neighborhood Stabilization Program. The bid was for \$4,800. The City received three additional bids:

1. Fenstermacher Asphalt Paving, 18573 Northland Drive, Big Rapids, MI for \$4,800. Bid was not accepted because it was dropped off at the Clerk's Office and the notice specifically stated bids needed to be dropped off at the CNS Office.
2. Valentine Excavating LLC, 2493 64th Street, Fennville, MI for \$6,850.
3. Ken Adams Excavating, 8770 North Oceana Drive, Pentwater, MI for \$8,975. Bid was not accepted because it was dropped off at the Clerk's Office and the notice specifically stated bids needed to be dropped off at the CNS Office.

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The program was reviewed by the Citizen's District Council.

Motion by Commissioner Wisneski, second by Commissioner Carter to approve the contract for demolition of 1387 7th Street.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

D. Create Lakeshore Trail Fund. FINANCE

SUMMARY OF REQUEST: The City includes on its income tax form the option for tax filers to donate refunds to various causes. For both 2007 and 2008 tax returns, "Lakeshore Trail Improvements" was the most popular donation check-off.

Year	Number of Donations	Total Donations
2008	279	\$1,309
2007	243	\$1,272

Staff believes the best use of the donated monies is to seed an endowment at the Community Foundation for the long-term care and improvement of the trail. Using the Foundation will give the fund greater visibility and, hopefully, encourage other donations for this cause in addition to the income tax check-off.

FINANCIAL IMPACT: Will provide a funding tool to protect and improve the City's investment in its Lakeshore Trail system.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to execute the "Build a Fund Agreement" with the Community Foundation for Muskegon County.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the creation of the Lakeshore Trail Fund with the amendments recommended by the City Attorney.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

I. Agreement for General Services with a Retired City Employee. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Robert Fountain to provide assistance in various fields at DPW including storm sewer and cross connection compliance. The proposed contract would be for an average of 40-hours a month (based on needs and availability). Anticipated starting date is August 1, 2009.

Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the City.

FINANCIAL IMPACT: Approximately \$6,500 for 2009 and an average of \$16,000 per year after 2009 based on 480-hours of work per year.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Mr. Fountain.

Motion by Commissioner Shepherd, second by Vice Mayor Gawron to approve the agreement for general services with Robert Fountain.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

2009-62 NEW BUSINESS:

A. Rescind Restrictive Covenant Action for 1470 Lakeshore Drive. CITY
MANAGER

SUMMARY OF REQUEST: To rescind action taken by the City Commission to approve an amendment to the Declaration of Restrictive Covenant for 1470 Lakeshore Drive. The anticipated transaction is not proceeding so the amendment is not required.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To rescind the action taken by the City Commission on June 23, 2009.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to rescind the previous action regarding the Restrictive Covenant for 1470 Lakeshore Drive.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were heard.

2009-63 CLOSED SESSION: To Discuss Pending Litigation.

Motion by Commissioner Spataro, second by Commissioner Carter to go into Closed Session to discuss pending litigation.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Wierengo to come out of Closed Session.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington and Wierengo

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Wierengo to concur with the recommendation made by the City Attorney.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:05 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk